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March 3, 2023

The Honorable Eduardo C. Robreno
15614 US Courthouse
601 Market Street
Philadelphia, PA 19106

**RE: Eva Diaz and Frankie Diaz, as Administrators of the Estate of Frankie Diaz,
Jr. v. The City of Philadelphia, et
Civil Action No.: 2:22-3286**

Dear Judge Robreno:

As Your Honor is aware, this matter has been scheduled for a Conference and Argument on Monday at 2:00 p.m. on the Defendants' Partial Motion to Dismiss pursuant to FRCP 12(b)(6). I have been called to Trial in the matter of *Tierno v. La Pizza Tega, Atlantic County Superior Court Civil Action No.: ATL-L-001643-18*, and am scheduled to select a Jury on Monday in Atlantic City. I understand the Court has directed the parties' attendance at 2:00 p.m. in Courtroom 15A. I would respectfully request that the Conference be rescheduled. It is possible that jury selection may be complete by late afternoon on Monday and I could participate in the Conference by telephone if the Court were inclined to accommodate such an appearance, and the adjustment of the time to 4:00 pm.

I expect this trial to be over with by the end of next week, so if Your Honor does not wish the appearance to be telephonic, or could not accommodate the change in time from 2:00 to 4:00, I would respectfully request a brief continuance of this Conference.

I am sorry for the notice on a Friday afternoon. The *Tierno* matter has been adjourned approximately thirteen (13) times, so we were unsure until Wednesday afternoon as to whether this trial would actually be proceeding. I am available to discuss this correspondence should the Court require. I have contacted defense counsel and left them a message regarding this requested continuance. While I do not anticipate no objection, given my very cordial relationship with



defense counsel, I have not yet heard back from their office, although I just contacted him this afternoon given my rush to prepare for this trial.

Respectfully,

A handwritten signature in black ink, appearing to read "KOB", with a long horizontal flourish extending to the right.

Kevin P. O'Brien

KOB/dae

cc: Adam R. Zurbriggen, Esquire

